

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSE ANGEL GABRIEL GARCIA,  
Plaintiff,  
v.  
EXPERIAN,  
Defendant.

Case No. C18-00005RSM

## ORDER TO SHOW CAUSE

JOURNAL OF CLIMATE

Defendant.

*Pro se* Plaintiff Jose Angel Gabriel Garcia has been granted leave to proceed *in forma pauperis* in this matter. Dkt. #3. The Complaint was posted on the docket on January 12, 2018. Dkt. #4. Summons has not yet been issued.

Plaintiff, a Washington State resident, brings this action against Experian, the credit reporting agency, located in Texas. Dkt. #4 at 1–2. The only stated basis for this Court’s jurisdiction is diversity of citizenship. *Id.* at 3. However, the amount in controversy is stated as \$40,000, and Plaintiff seeks in relief only \$40,000. *Id.* Under “Statement of Claim,” Plaintiff writes only that “Defendant has been responsible for the denial of 4 loans.” *Id.* at 5.

To establish subject matter jurisdiction on the basis of diversity, the plaintiff must show an amount in controversy in excess of \$75,000. 28 U.S.C. § 1332. Federal Rule of Civil Procedure 12(h)(3) provides that the Court must dismiss an action if it determines, at any time, that it lacks subject matter jurisdiction. This issue can be raised *sua sponte*. Furthermore, the Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or

1 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.  
2 See 28 U.S.C. § 1915(e)(2)(B).

3 The Complaint indicates an amount in controversy less than the statutory requirement  
4 for diversity jurisdiction. Furthermore, Plaintiff does not support his claims with sufficient  
5 facts to establish a claim, or reference any cause of action or legal basis for his suit.  
6 Considering all of the above, the Court believes it lacks subject matter jurisdiction. Plaintiff's  
7 Complaint suffers from deficiencies that, if not adequately explained in response to this Order,  
8 will require dismissal. See Fed. R. Civ. P. 12(h)(3); 28 U.S.C. § 1915(e)(2)(B).

9  
10 In Response to this Order, Plaintiff must write a short and plain statement telling the  
11 Court (1) how he could amend his Complaint, consistent with the facts already pled, to create  
12 subject matter jurisdiction, and (2) why this case should not be dismissed as frivolous. **This**  
13 **Response may not exceed six double-spaced (6) pages.** Plaintiff is not permitted to file  
14 additional pages as attachments. The Court will take no further action in this case until  
15 Plaintiff has submitted this Response.  
16

17  
18 Accordingly, the Court hereby finds and ORDERS that Plaintiff shall file a Response to  
19 this Order to Show Cause containing the detail above **no later than twenty-one (21) days**  
20 **from the date of this Order.** Failure to file this Response will result in dismissal of this case.  
21 The Clerk shall send a copy of this Order to Plaintiff at 509 THIRD AVENUE #711,  
22 SEATTLE, WA 98104.  
23

24 DATED this 22 day of January, 2018.

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RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE